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ATTORNEYS FOR DEFENDANTS AND COUNTERCLAIMANTS

ADVANCED SEMICONDUCTOR ENGINEERING, INC. AND ASE (U.S.), INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TESSERA, INC.,

Plaintiff, Counter-defendant,

v.

ADVANCED MICRO DEVICES, INC. et al.,

Defendants, Counter-claimants.

CASE No. 4:05-cv-04063-CW

**JOINT STIPULATION AND ORDER
CHANGING THE DATE OF UPCOMING
CASE MANAGEMENT CONFERENCE
AND RELATED DATES**

1 1. WHEREAS, this Court stayed the case known as *Tessera, Inc. v. Advanced Micro*
2 *Devices, Inc. et al*, Case No. C 05-04063 (CW) (the “AMD case”) by its order of May 24, 2007
3 with respect to International Trade Commission Investigation 337-TA-605 “until the
4 determination of the ITC, including appeals becomes final,” and WHEREAS, on August 5, 2008
5 the Court ordered that the stay of the AMD case “shall be extended until a determination in the
6 International Trade Commission Investigation 337-TA-649, including appeals, becomes final;”
7 and

8 2. WHEREAS, this Court issued a Related Case Order on September 11, 2008 in the
9 AMD case finding that the three cases known as, *Siliconware Precision Industries Co., Ltd. et al.*
10 *v. Tessera*, Case No. C 08-03667 RS; *Advanced Semiconductor Engineering Inc. et al. v.*
11 *Tessera*, Case No. C 08-03726 EMC; and *Chipmos Technologies Inc. et al. v. Tessera, Inc.*, Case
12 No. C 08-03827 CW, were related to the AMD case (these three cases are collectively the
13 “Related Cases”); and

14 3. WHEREAS, this Court stayed all proceedings in the Related Cases, to include all
15 claims and counterclaims, by its order of December 19, 2008 “[i]n light of the decision by the
16 International Trade Commission (‘ITC’) granting Tessera’s motion to amend the Complaint and
17 Notice of Investigation adding U.S. Patent No. 5,663,106 to the investigation” known as 337-
18 TA-649 and the stipulation of the parties in the Related Cases; and

19 4. WHEREAS, by its orders of June 11, 2010 this Court subsequently set a Case
20 Management Conference in both the AMD case and the Related Cases for December 14, 2010 at
21 2:00 p.m; and

22 5. WHEREAS, this Court issued a Related Case Order on November 10, 2010,
23 finding that the case known as *Spansion Inc. v. Tessera Inc.*, Case No. C 10-04954 MMC (the
24 “Spansion case”), is related to this case; and

25 6. WHEREAS the parties in the AMD, Spansion, and Related Cases, by their
26 undersigned counsel, report to the Court that the current status of the pending International Trade
27 Commission Investigation 337-TA-605 is that the Final Determination is under appeal to the
28 Federal Circuit in Case Number 09-1460. The appeal is now fully briefed and was argued on

June 9, 2010, but no decision has issued as of yet, and;

7. WHEREAS, since a final resolution of ITC's 337-TA-605 investigation, including appeals, is still pending, the parties in the AMD case, in the Spanion case, and in the Related Cases believe that it would be most efficient to further postpone (and, in the Spanion case, postpone) the case management conference and related activity in the AMD case, the Spanion case, and the Related Cases until approximately June 7, 2011; and

8. WHEREAS, the parties appearing below agree that there would be no prejudice to the parties in moving the case management conference, as that case is currently stayed;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties appearing below through their undersigned respective attorneys of record, based on the foregoing, and subject to the approval of this Court, that:

a. The case management conference currently scheduled for December 14, 2010, at 2:00 p.m. in the AMD case shall be rescheduled for **June 7, 2011** at **2:00 p.m.**, or as soon thereafter as the Court is available;

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated this **7th** day of **December**, 2010.


Honorable Claudia Wilken
United States District Judge

1 Dated: December 6, 2010

/s/

Gina A. Bibby
FOLEY & LARDNER LLP
Attorneys for defendants and counter-claimants
ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED, and
ASE (U.S.) INC.

5 Dated: December 6, 2010

/s/

Michael Heafey
ORRICK, HERRINGTON & SUTCLIFFE
Attorneys for defendants and counter-claimants
SILICONWARE PRECISION INDUSTRIES CO.,
LTD. and SILICONWARE U.S.A.

9 Dated: December 6, 2010

/s/

Elaine Chow
K&L GATES LLP
Attorneys for defendant and counter-claimant
ADVANCED MICRO DEVICES, INC. and
plaintiff SPANSION LLC

12 Dated: December 6, 2010

/s/

Joseph Lanser
SEYFARTH SHAW
Attorneys for defendants and counter-claimants
CHIPMOS TECHNOLOGIES INC. and CHIPMOS
U.S.A. INC.

16 Dated: December 6, 2010

/s/

Russell L. Johnson
SIDLEY AUSTIN LLP
Attorneys for defendants and counter-claimants
STMICROELECTRONICS N.V. and
STMICROELECTRONICS, INC.

19 Dated: December 6, 2010

/s/

Michael Franzinger
WEIL, GOTSHAL & MANGES LLP
Attorneys for defendants and counter-claimants
STATS CHIPPAC INC., STATS CHIPPAC LTD
and STATS CHIPPAC (BVI) LIMITED

23 Dated: December 6, 2010

/s/

Trevor Stockinger
IRELL & MANELLA LLP
Attorneys for plaintiff and counter-defendant
TESSERA, INC.

1 Concurrence in the filing of this document has been obtained from the signatories listed
2 above.

3
4 Dated: December 6, 2010

FOLEY & LARDNER LLP

5 /s/
6 Gina A. Bibby
7 Attorneys for defendants and counter-claimants
8 ADVANCED SEMICONDUCTOR
9 ENGINEERING, INC., ASE TEST LIMITED, and
10 ASE (U.S.) INC.
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1 Pursuant to General Order No. 45, Section X, I hereby attest that I have on file all
2 holographic signatures for any indicated by a “conformed” signature /s/ within the e-filed
3 document.

4 Dated: December 6, 2010

FOLEY & LARDNER LLP

6 /s/
7 Gina A. Bibby
8 Attorneys for defendants and counter-claimants
9 ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED, and
ASE (U.S.) INC.